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R. P. Funderburk, III, et al

BOOK

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STATE OF MISSISSIPPI  
JAN 26 1996 CO.

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TEMPORARY EASEMENT

BK 296 PG 97  
W.E. DAVIS CH. CLK.

THE STATE OF MISSISSIPPI

County of DeSoto

For and in consideration of Four Thousand One  
Hundred & no/100 /100 Dollars (\$ 4100.00)

the receipt and sufficiency of which is hereby acknowledged, I/or we,  
the undersigned hereby grant, sell, convey and warrant unto the  
Mississippi Transportation Commission for public improvements,  
grading, sodding, and other construction purposes on State Project  
No. 97-0021-01-014-10, a temporary easement through, over, on and  
across the following described land:

TOWNSHIP 1 SOUTH, RANGE 6 WEST, DESOTO COUNTY,  
MISSISSIPPI

SECTION 28: CITY OF OLIVE BRANCH

PARCEL NO. 1

Begin at the point of intersection of the proposed  
Northerly right-of-way line of Mississippi Highway No. 302  
with the present Northeasterly right-of-way line of Old  
U.S. Highway No. 78 as shown on the plats for State Project  
No. 97-0021-01-014-10; from said point of beginning run  
thence North 51° 13' West, a distance of 20.370 meters  
(66.83 feet); thence run North 54° 32' East, a distance of  
80.770 meters (264.99 feet); thence run South 46° 02' East,  
a distance of 18.603 meters (61.03 feet); thence run South  
53° 34' West, a distance of 78.661 meters (258.07 feet) to  
the point of beginning and containing 16,287.963 square  
feet, 0.151 hectares (0.37 acres), more or less.

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PARCEL NO. 2

Begin at the point of intersection of the proposed Northerly right-of-way line of Mississippi Highway No. 302 with the present Northeasterly right-of-way line of Burlington Northern Railroad as shown on the plats for State Project NO. 97-0021-01-014-10; from said point of beginning run thence North 46° 02' West, a distance of 15.502 meters (50.86 feet); thence run North 54° 32' East, a distance of 213.355 meters (699.98 feet); thence run South 19° 01' West, a distance of 26.242 meters (86.09 feet); thence run South 54° 32' West, a distance of 189.152 meters (620.58 feet) to the point of beginning and containing 33,014.019 square feet, 0.307 hectares (0.76 acres), more or less.

Parcel Nos. 1 and 2 contain in the aggregate of 49,302.982 square feet, 0.458 hectares (1.13 acres), more or less.

All of the above parcels being situated in and a part of the Northeast 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Northeast 1/4.

It is understood and agreed, and it is the intention of the parties hereto, that the grantee shall have the right to use, occupy, improve, grade, sod, ditch, drain and otherwise use for construction purposes the above described land only so long as is necessary to complete the construction of said Project No. 97-0021-01-014-10, in

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accordance with the plans and specifications for said project, said plans and specifications however, being subject to change by the Federal Highway Administration. Upon the completion of the said work of construction the said temporary easement shall terminate and all right, title and interest in and to the above described land shall revert to the grantors herein, their heirs, assigns, legal representatives or grantees.

The grantor herein further warrants that the above described property is no part of his/or her homestead.

It is further understood and agreed that the consideration herein named is in full payment and settlement of any and all claims or demands for damage accrued, accruing, or to accrue to the grantors herein, their heirs, assigns, or legal representatives, for or on account of the construction of the proposed highway, change of grade, water damage, and/or any other damage, right or claim whatsoever.

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It is further understood and agreed that this instrument constitutes the entire agreement between the grantor and the grantee, there being no oral agreements or representations of any kind.

Witness OUR signature on the 25<sup>th</sup> Day of January, A.D.,

19 96.

witness:

H. S. Vandenberg <sup>AKA</sup>  
Sidney Vandenberg  
Orafine W. Vandenberg

Grantee, Prepared by and return to:  
 Miss. Department of Transportation  
 Right of Way Division  
 P. O. Box 1850  
 Jackson, Mississippi 39215-1850  
 Phone Number: (601) 359-7559  
 Account No. 97-0021-01-014-10

R. P. Funderburk III  
 Elizabeth Funderburk  
 12126 Hwy 78  
 Olive Branch, Ms. 38654  
 Phone 895-2758

William L. Funderburk  
Michael Funderburk  
RA Funderburk  
RF Funderburk II

Elizabeth Funderburk  
Peggy E. Vandenberg

Grantor Address:

Peggy E. Vandenberg  
9146 Pigeon Roast  
Olive Branch, Ms. 38654

Phone Number: 601 895-2376Business Number: 895-4771

William L. Funderburk  
1805 Hawthorne  
Herrando, Ms. 38632  
Phone (601) 429-2261-429-4077

Mr. & Mrs. Sidney Vandenberg  
6663 Shady Grove Cove  
Olive Branch, Ms. 38654  
Phone 895-5584 or 895-3818

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In the case of proof of execution of the instrument made by a subscribing witness:

STATE OF MISSISSIPPI

County of DeSoto

Personally appeared before me, the undersigned authority \_\_\_\_\_  
B. B. Sanders, one of the subscribing witnesses to the foregoing  
instrument, who being first duly sworn, deposeth and saith that he saw the within  
named William L. Funderburg, Trustee, R. P. Funderburg III, Elizabeth Funderburg, Peggy E. Vanderburg, H. S. Vanderburg AKA Sidney Vanderburg and Orafine A. Vanderburg  
whose names are subscribed hereto, sign and deliver the same to  
the said Mississippi Transportation Commission, a body corporate by statute, that  
he, this affiant, subscribed his name as witness thereto in the presence of the  
said William L. Funderburg, Trustee, R. P. Funderburg III, Elizabeth Funderburg, Peggy E. Vanderburg, H. S. Vanderburg AKA Sidney Vanderburg and Orafine A. Vanderburg  
on the day and year therein mentioned.

B. B. Sanders  
Affiant

Sworn to and subscribed before me this the 25<sup>th</sup> day of \_\_\_\_\_January, A.D., 1996.

[Signature]

Title

(PLACE SEAL HERE)

My commission expires

5-19-97